

Maharashtra Administrative Tribunal-  
Procedure regarding service of notices  
filing of affidavits-in-reply in cases  
filed before M.A.T..

GOVERNMENT OF MAHARASHTRA,  
Law and Judiciary Department,  
Circular No. 545 /A,  
Kasturba, Bombay-400032, dated the 15 Feb. 1993.

CIRCULAR

Initially all service matters used to be filed in the High Court, Bombay. After filing of the Writ Petition service of summons or notice in such matters was effected upon the Government Pleader, High Court and the Government Pleader used to contact the concerned Department/Officer for necessary instructions. The Service matters are now filed before the Maharashtra Administrative Tribunal and the matters pending before the High Court are transferred to the Maharashtra Administrative Tribunal and hence the mode of service of summons or notice has considerably changed.

2. The procedure followed in the Maharashtra Administrative Tribunal is that an application is presented in the Registry of the Tribunal and copies of the application are served by the applicant to all the respondents, namely the Government Departments, who are then required to immediately approach the Presenting Officer of the Government at Maharashtra Administrative Tribunal for giving the necessary instructions. The Presenting Officer of Government, Maharashtra Administrative Tribunal is insisting on a separate copy of the application to be served upon the Presenting Officer of Government. However, many a times, the copy is served on him on the last date and it does not facilitate communication of the same to the concerned respondents. On receipt of the instructions/parwise comments from the concerned department, the Presenting Officer of Government prepares an affidavit in Reply and files the same on behalf of the Government before M.A.T. On receipt of the affidavit the Tribunal passes Orders as deemed fit.

3. The aforesaid change in the manner of service has resulted in some difficulties which can be described as follows. The applicant while serving the summons/notice on the Head of the Department, gives the notice/service in the Registry of such Department. Presumably some time is taken before the authority of Head of the Department gets information about such service of summons/notice. It is noticed that after the application is filed in the Tribunal, the Tribunal gives notice returnable within two days. As such when once the service as aforesaid through Registry of the concerned department is made, the Tribunal is made to believe that there is proper service on the authority concerned. And as such interim reliefs are passed in favour of applicant and against the Government. Therefore, in order to avoid this situation, all the Departments are requested to give necessary instructions to the officer in the Registry to inform about the Court matter immediately to the Head of the Department so that instructions can be given to the Presenting Officer who appears on behalf of the Government in such matters to enable him to prepare the Affidavit in reply as stated above.

4. As regards the Affidavit-in-reply, the Ex-Chairman, Maharashtra Administrative Tribunal (MAT), Bombay has made the following observations :-

"It is noticed that many times the Affidavits-in-Reply are filed before the MAT by the officers who are not duly authorized. On scrutiny, it is noticed that before filing an affidavit the papers are also not placed before the Head of the Department".

In view of the aforesaid observations made by the Ex-Chairman of the MAT this Department has already issued a Circular bearing No. 0366/E, dated the 21st November, 1992, copy of which is enclosed as Annexure 'A' requesting all the Departments that no